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Abstract

Compensation of materialistic tort in Jordanian Civil law

Assem Aoudh Salem Al-tarawneh

Mu'tah University, 2009

There is no doubt that compensation of materialistic tort is an important issue because of the increasing of dispat's in civil responsibility and the many contentions presented to Jurisdiction to deal with and this study aimed at dealing with the Compensation of materialistic harm in the Jordanian Civil law.

In a preface chapter, this study investigated what is meant by compensation, identifying its legal origin in the Jordanian Civil Law. Therefore, this study concluded in the preface chapter that Jordanian legislator establishes responsibility for compensation according to the idea of harms because compensation related strongly to harm existence or not.

In This study, the first chapter dealt with the concept of harm juristically and juridically and conditions for compensation of harm. This study concluded that Jurisprudence through its identification of the concept of materialistic harm used the standard of dividing the harm in order to identify its concept, where as jurisdiction view, This study concluded that the Jordanian court of cassation was excluding compensation of treatment, but it changed this and considered it as apart of materialistic harm that faces the person with harm. This study also concluded that the judge can judge for compensation only if there are conditions of harm.

The second chapter investigated the elements of materialistic harm. Therefore the study concluded regarding the elements of harm, the legislator compensates for the responsibility of neglecting while contracting responsibility, he compensates for the true loss without the previous. This study also dealt with investigating the forms of materialistic harm, including causing harm to materialistic right, personal or morale one. The study concluded that the court identify the appropriate way of compensation to relieve harm Also this study concluded that legislator made the time of estimating compensation is the time of the act of harm and he gave the right to the person who has the harm to ask estimating again during a specific time.

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